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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,288	01/23/2004	Rosalind G. Woods	22330.01	4680

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EXAMINER

SUHOL, DMITRY

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/762,288

Applicant(s)

WOODS, ROSALIND G.

Examiner

Dmitry Suhol

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6,10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6,10 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

The indicated allowability of claim 6 is withdrawn in view of Darnell '431.

Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Prayer Cards found in "Catholic Supply of St. Louis, Inc" hereafter referred to as Catholic Supply in view of Zaccheo '413, Miguel '614 and Darnell '431. Catholic Supply discloses an assortment of planar prayer cards having a border and a religious symbol (religious imagery) on the front and a prayer related to a specific category (of a variety of different categories as required by claim 3) on the rear (see examples of the Baptism, and Communion Cards, etc).

Catholic Supply fails to explicitly teach a specific color imprinted on the card and coded to the specific card category as required by claim 6 where the color is imprinted on the border area, a box for housing an assortment of cards as required by claim 6. However, Zaccheo '413 discloses an assortment of cards with various themes which teach that it is known to provide such cards with a colored border relating to the theme

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of the card for the purpose of organization (col. 3, lines 30-34), while Miguel teaches that it is known to manufacture a container for the storage of prayer cards (see title). Darnell teaches that it is known to provide a color-code index/legend on a face of a container having a plurality of pieces that are color-coded (col. 4, lines 63-65). Therefore it would have been obvious to include a container with the cards of Catholic Supply for the purpose of providing a storage container for the prayer cards. It would have been further obvious to one having ordinary skill in the art at the time of the claimed invention to have provided the cards of Catholic Supply with a colored border area directed to the theme of the card for the purpose of organization so that various cards are easily discerned from one another and a legend on a container housing the cards for the purpose of identifying the various color-coded cards. Furthermore, it has been held that when the claimed printed matter is not functionally related to the substrate it will not distinguish the invention from the prior art in terms of patentability. *In re Gulack* 217 USPQ 401, (CAFC 1983) and *In re Ngai*, 367 F.3d 1336, 70 USPQ2d 1862. The fact that the content of the printed matter placed on the substrate may render the device more convenient by providing an individual with a specific type of religious or organizational information it does not alter the functional relationship. Mere support by the substrate for the printed matter is not the kind of functional relationship necessary for patentability. Thus, there is no novel and unobvious functional relationship between the printed matter (e.g. religious imagery of prayers, symbols and colors on the border or container) and the substrate (e.g. the card itself and container housing the card) which is required for patentability.

Regarding claim 10, the limitation of each card being of a size of 4 inches by 2 ½ inches would have been obvious since the examiner takes official notice that prayer cards with such dimensions are well known in the art. Furthermore the specific card size is an obvious design choice in that applicants clearly state that various card dimension may be used with their cards (see applicants specification page 4, lines 9-10).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Catholic Supply, Zaccheo '413, Miguel '614 and Darnell '431, as stated above, and further in view of Carew '857. Catholic Supply, as modified by Zaccheo '413, Miguel '614 and Darnell '431, fails to teach additional cards provided that have no prayer inscribed thereon as required by claim 11. However, Carew discloses that it is known to manufacture a prayer card with no prayer thereon. Therefore it would have been obvious include prayer cards lacking a prayer in the assortment of cards of Catholic Supply for the purpose of providing a decorative prayer card which the user can personalize with a prayer of their choosing.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Suhol whose telephone number is 571-272-4430. The examiner can normally be reached on Mon - Friday 8:30am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dmitry Suhol
Examiner
Art Unit 3725

ds